



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/714,641	11/18/2003	Tsukasa Sako	00862.023309	2530

5514 7590 05/05/2005

FITZPATRICK CELLA HARPER & SCINTO  
30 ROCKEFELLER PLAZA  
NEW YORK, NY 10112

EXAMINER

CHUNG, DANIEL J

ART UNIT	PAPER NUMBER
----------	--------------

2672

DATE MAILED: 05/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/714,641

Applicant(s)

SAKO, TSUKASA

Examiner

Daniel J Chung

Art Unit

2672

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 5-13-2004.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Priority***

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Information Disclosure Statement***

Receipt is acknowledged of Applicant's Information Disclosure Statement of 5-13-2004, which has been placed in the application file and considered by the Examiner.

### ***Drawings***

The drawings are not objected to by the Examiner.

### ***Specification***

Please review the application and correct all informalities.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-8 and 11-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Caravel. (5,613,057)

Regarding claim 1, Caravel discloses that the claimed feature of an image display method for displaying images of a prescribed combination in image layout formats of a plurality of types, comprising: a frequency storage [i.e. "memory means"; 6] step of storing frequency of use with respect to a prescribed format from among the image layout formats [i.e. "templates"] of the plurality of types; a setting step [i.e. "processing means"; 4] of setting the image layout format, which is used in displaying the prescribed combination of images, based upon the frequency of use that has been stored [i.e. 'the most frequently used template is located middle of list', 'the least frequently used template is located side of list']; and a display [i.e. "display"; 8] step of displaying the prescribed combination of images on a display in the image layout format ["template"] that has been set. (See Fig 12, col 2 line 39-48, col 7 line 1-4, col 7 line 12-19, col 11 line 49-53)

Regarding claim 2, Caravel discloses that frequency storage [6] step stores the frequency of use of the prescribed image layout format ["template"] in association with an observer ["user"]. (See col 7 line 12-19)

Regarding claim 3, Caravel discloses that setting step sets, for every observer, an image layout format having the highest frequency of use as an image layout format ["the most frequently used template"] used to display the prescribed combination of images. (See col 7 line 1-4, col 11 line 49-53)

Regarding claim 4, Caravel discloses that frequency storage step counts the frequency of use of an image layout format at a timing at which the prescribed combination of images is displayed. (See col 7 line 12-19, as "the counting step" is necessarily required for figuring out which template is most or least frequently used)

Regarding claim 5, Caravel discloses that frequency storage step counts the frequency of use of an image layout format after a change at a timing at which the image layout format is changed. (See col 7 line 12-19)

Regarding claim 6, Caravel discloses that frequency storage step counts the frequency of use of an image layout, which is being displayed, at a timing at which said display steps ends. (See col 7 line 12-19)

Regarding claim 7, Caravel discloses that frequency storage step counts the frequency of use of an image layout, which is currently being displayed, at a timing at which the observer performs an operation for counting the frequency of use of the image layout format. (See col 7 line 12-19)

Regarding claim 8, Caravel discloses that frequency storage step stores collectively the frequencies of use of the image layouts, which have been displayed for

a plurality of observers, without distinguishing among the observers ["user"]. (See col 7 line 1-4, col 11 line 49-53)

Regarding claim 11, Caravel discloses that when number of ranks ["ordering"] of frequencies of use capable of being stored has been set in advance and images have been displayed in a new image layout format, said frequency storage step excludes the image layout format having the lowest frequency of use and adds on the frequency of use of the new image layout format. (See col 2 line 44-48, col 7 line 12-23)

Regarding claim 12, Caravel discloses that the number of ranks of the frequency of use is one. (See col 7 line 12-23)

Regarding claim 13, Caravel discloses that a display of a layout format for notifying [i.e. "keyword", "sound"] of the image layout format that has currently been set is presented at said display step. (See col 10 line 17-59)

Regarding claim 14, Caravel discloses that an image layout change step of changing the layout format of the images currently being displayed on the display. (See Fig 13, col 8 line 37-40)

Regarding claim 15, Caravel discloses that a priority change step of changing a priority corresponding to the frequency of use; wherein if the priority has been changed,

Art Unit: 2672

the display of layout format is changed in linked fashion at said display step in response to an operation for changing the priority. (See Fig 13, col 8 line 37-40)

Regarding claims 16-18, claims 16-18 is similar in scope to the claim 1, and thus the rejection to claim 1 hereinabove is also applicable to claims 16-18.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Caravel in view of Mishra et al. (5,805,118)

Regarding claim 9, Caravel does not specifically disclose that the images are medical images and the prescribed combination is a combination of images of the same type of examination. However, Mishra et al discloses that customized image navigation and display system (CINAD) with medical images for medical field [i.e. radiology]. (See col 3 line 58-col 4 line 7, col 6 line 14-19, col 7 line 38-47) Since both teachings are relate to the manipulating of image layout [i.e. template, workspace], it would have been

Art Unit: 2672

obvious to one skilled in the art to incorporate the teaching of Mishra et al into the teaching of Caravel, in order to display the medical images with improved manner of facility and rapidity at user preferences.

Regarding claim 10, refer to the discussion for the claim 9 hereinabove, Caravel discloses that the images are medical images, the prescribed combination is a combination of images of a plurality of different types of examination, and said setting step sets an image layout format based upon the highest frequency of use from among frequencies of use of image layout formats of images of each type of examination. (See Fig 13, col 8 line 37-40)

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel J. Chung whose telephone number is (571) 272-7657. He can normally be reached Monday-Thursday and alternate Fridays from 7:30am- 5:00pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael, Razavi, can be reached at (571) 272-7664.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks



Art Unit: 2672

Washington, D.C. 20231

**or faxed to:**


**(703) 872-9306 (Central fax)**

**(703) 872-9314 (for Technology Center 2600 only)**

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

djc  
April 27, 2005



MICHAEL RAZAVI  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600